UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
	10/536,692	VILLENA ET AL.
Office Action Summary	Examiner	Art Unit	
	Dennis Ruhl	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>12 November 2008</u>.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>107 and 113-132</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) <u>107 and 113-132</u> is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
        1. ☐ Certified copies of the priority documents have been received.
        2. ☐ Certified copies of the priority documents have been received in Application No. _____.
        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Applicant's responses of 11/12/08 and 6/6/08 have been entered. Currently

claims 107,113-132 are pending. The examiner will address applicant's remarks at the

end of this office action.

1.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

2.   Claims 113-116,121,124,127, are rejected under 35 U.S.C. 112, first paragraph,

as failing to comply with the written description requirement. The claim(s) contains

subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the

application was filed, had possession of the claimed invention.

For claims 113,121,127, the specification as originally filed does not appear to

disclose that the list of query results is an "optimized" list that is based on "a value

optimization scheme". The specification does disclose that the list can be an ordered

list, such as listed by ascending and descending sale prices, ascending and descending

AVM values, ascending and descending DVS values, see paragraph 28. The examiner

does not see where the list has been disclosed as being "optimized" and where the list

is based on a "value optimization scheme". This is considered to be new matter that is

not supported by the specification as originally filed.

For claim 115, the specification as originally filed does not appear to support

what is claimed, although it is considered to be indefinite under 112,2nd as will be

explained in this office action. The examiner does not see where the ordered list is disclosed as being in order "first by a sort field". This appears to be new matter.

For claim 116, the specification as originally filed does not appear to provide support for the limitation that the ordered list contains properties that have a price above the AVM value. The specification with respect to the DVS search disclosed that the list would contain properties that have a price that is below the AVM value, see paragraph 27. This claim limitation seems to be opposite of what has continuously been argued by applicant as far as using the DVS search to identify properties that are for sale at a price that is below the AVM value. This appears to be new matter that is not supported by the specification as originally filed.

For claims 114,124, the specification as originally filed does not appear to support what is claimed, although it is considered to be indefinite under 112,2^{nd} as will be explained in this office action. The examiner does not see where the ordered list is disclosed as being in order "first by DVS values". This appears to be new matter.

3.   Claims 121-132 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For claims 121,127, applicant has recited that the user is provided with a graphical user interface selection tool that allows a user to select a geographical area

on a digital map that represents the search query. The examiner notes that in

paragraph 77 it is disclosed that

"[0077] It should also be appreciated that the query device might also perform queries
based on a geographic region provided by a user, such as a hand-drawn region provided using
a computer mouse and a computer-generated map backdrop or area defined by latitude and
longitude coordinates."

With respect to how this process is done, it does not appear to be enabled. How

is this actually accomplished and how does the process work once the user selects the

desired region. There is practically no discussion as to how this act is performed and

how the computer system would be programmed or structured to allow this act to occur.

One of skill in the art reading the above passage from the specification would not know

how to do a "hand-drawn" region on a map that would represent the query. It seems

that the basic idea is disclosed but nothing further that would enable one of skill in the

art to practice what is claimed. This does not appear to be enabled by the very brief

disclosure in the specification.

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

5.   Claims 114,123,124,126,128,131, are rejected under 35 U.S.C. 112, second

paragraph, as being indefinite for failing to particularly point out and distinctly claim the

subject matter which applicant regards as the invention.

For claim 114,124, what is meant by reciting that the ordered list is in order "first

by DVS values"? Does this mean that there is another list that is generated that is not

ordered based on DVS values? Other then attempting to recite that the list is ordered

by DVS values, it is not clear as to what the term "first" adds stepwise or structurally to the claim. The same is applicable for the limitation of claim 115 where it is recited that the list is ordered "first by a sort field". What does this mean? What is meant by ordering something by a sort field? This is not clear.

For claim 123, there is no antecedent basis for "the user terminal" as none has previously been recited in claim 121. This limitation was deleted from claim 121 so it is not clear as to what is meant by the "user terminal" and whether or not the terminal is first being recited in claim 123 or claim 121. Is there a terminal in the scope of claim 121?

For claim 128, what is meant by reciting that the DVS values are "further defined by a modified difference"? Does this mean that the DVS values of claim 127 are being modified in some manner? The term "defined" creates confusion because it is not clear if the DVS values are further being modified from that of claim 127 or is this limitation is just reciting that the DVS values already have been defined by a "modified difference". The scope of this claim is not clear.

For claim 131, there is no antecedent basis for "the instructions" as this limitation has been canceled from claim 127. Are there instructions in the scope of claim 121? This is not clear.

For claim 126, it is not clear as to what the scope is of the language "or other factors affecting the investment value of each of the properties". What "other factors" are included in the scope of this claim and which ones are not? This is indefinite. It is also not clear as to what is being recited here in an overall sense. What is meant by

reciting that the <u>displaying</u> of the properties is based on a modified difference?

Wouldn't the determined AVM value itself be based on a modified difference and not the

displaying? Is this a further step of generating another list that further modifies the

accessed AVM values? Also, there is no antecedent basis for "the investment value" as

this has not previously been recited. The scope of this claim is not clear.

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

7.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

8.   Claims 107,113-117,119,120, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Foretich et al. (20030191723).

        For claims 107,113,115, Foretich discloses a system and method for determining

AVM values for properties, such as residential properties. Foretich determines

valuation values by using a computer program contained on a server, see paragraph

26. Foretich discloses that customers use remote terminals 10,20 (or other types of

communication devices) to access the property valuation system via the Internet 50.

See paragraph 25 where this is disclosed. There are databases that contain records on

a plurality of residential properties (databases 60 and/or 70). See paragraph 26 where

the databases are disclosed. The databases store records relating to residential

properties. As an example, see Table 1 where various types of stored property data are

disclosed and in paragraph 44 this is referred to as a property record. This property

record data includes property identifiers, such as address, listing ID, or even a tax

record. Foretich discloses the storing of property identifiers that identify the various

properties stored in the databases. With respect to the AVM values being stored in the

database, applicant is referred to paragraphs 15 and 162 where this is disclosed.

Paragraph 15 discloses "*knowledge base databases created and maintained by the*

system of the present invention <u>may include valuation values</u> and comparable

information previously calculated and used by they system of the present invention".

Paragraph 162 discloses "*Another aspect of the present invention which has been*

referred to herein is the fact that the system of the present invention, using either local

or remote databases, can store various classes of information derived during the

valuation process for use in later valuations or other processes. For example, as the

system generates valuations, <u>it is preferable that these valuations and data used in</u>

<u>connection with these valuations be stored for later use </u>if desired. <u>Actual valuation</u>

<u>numbers may be stored</u> and may be employed as comparables for later valuations as

appropriate as long as property information is either stored directly in the knowledge

base database or can later be retrieved from other databases such as MLS and/or

public record databases.". Foretich discloses that the AVM values are stored in the

databases. The step of performing a computer implemented search query to identify a

plurality of properties and that requests AVM values for those properties is disclosed in

paragraph 41. Paragraph 41 discloses that the query for the AVM values can be

submitted "via a batch process". This inherently requires that there be a plurality of

properties that are being queried for. This paragraph further discloses that this allows

for the processing of multiple valuations as part of a single batch. This satisfies what is

claimed. Also, with respect to "accessing" the AVM values, this is taught by Foretich

because of the fact that previously calculated AVM values are stored in a database for

further use as has already been addressed above. With respect to performing a DVS

search to determine DVS values on the plurality of properties, this is not explicitly

disclosed. With respect to how the claim defines a DVS value, it is stated that this is

based upon a comparison of the AVM value to the price for a property. This reads on

the "loan to value" ratio that is disclosed in paragraph 006. The examiner again notes

that paragraph 162 discusses the storing of AVM values in the databases. Disclosed is

that the valuations are stored "*for later use*" and "*for use in later valuations or other*

processes" and "*may be employed as comparables for later valuations as appropriate*".

This paragraph teaches the desirability of storing the AVM value so that that AVM value

can be used in later processing. Paragraph 15 also discusses the use of AVM values in

further processing. The AVM value is a type of data that a person of ordinary skill in the

art is going to be concerned with. Anyone buying a house or giving out a financial loan

for a house, is concerned with the value of the house itself (valuation/AVM). That idea

is just common sense and is something that anyone who buys products of any kind

recognizes. As a purchaser of a given product, you take into consideration the sale

price for the product and decide if that price is acceptable for the "value" of the product

that you are to receive. In other words, a purchaser asks the question "is the product

worth the price?". The importance of the AVM value is also evidenced by paragraph 6,

where it is disclosed that "*Since the loan to value ratio is of great significance to lenders

in making loan decisions as well as in determining applicable loan programs and

interest rates, it is almost always necessary for a property valuation to be undertaken in

connection with the lending process.*" One of ordinary skill in the art, such as a

mortgage broker, is interested in the comparison of the price for a given property to the

value of that property. In this case, the loan value for a mortgage lender is essentially

the "offer for sale" price, as this is the price the seller is willing to sell the property for.

The mortgage lender is making a comparison of the offer for sale (loan value) value to

the value of the property, which is determined by the valuation process that is

performed by server 90. While this comparison is disclosed as being a ratio, it does

teach the comparison of the two claimed types of data (offer and AVM). The prior art

and one of ordinary skill in the art already recognize the importance of comparing the

price to the valuation for real estate property. The loan to value ratio is a comparison of

the AVM value to a price, namely the loan value (price) which may be equal to the sale

price. Clearly, results are given to a user who has submitted a query for properties.

With respect to determining the DVS value for a plurality of properties, this would have been obvious to one of ordinary skill in the art. Because the disclosure indicates that the AVM query can be for multiple properties (batches), it then is obvious that when a user, such as a loan officer, desires to calculate a loan to value ratio for a plurality of properties, this could also be done via a batch process. This is beneficial in the sense that the user who wants a loan to value ratio determined would not have to perform this task individually for each and every property. It would have been obvious to one of ordinary skill in the art at the time the invention was made to determine a DVS value for the identified plurality of properties so that this would not have to be done one at a time. It is considered obvious to one of ordinary skill in the art to also use a batch process to determine loan to value ratios (reads on the claim definition for DVS values) so that a loan officer could process multiple DVS values at one time. It then follows that the results would be provided to the user in the form of some kind of list so the results could be reviewed. This satisfies the recitation that the list be ordered.

For claim 114, applicant is now reciting that the DVS value is based on a difference between the price and the DVS. While Foretich discloses that this comparison is disclosed as being a ratio and not a difference, it does teach the comparison of the two claimed types of data (price and AVM). The prior art and one of ordinary skill in the art already recognize the importance of comparing the price to the valuation for real estate property. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foretich to allow for a search of the database based on a difference between a property's "offer for sale" price

and the valuation value for that property, that is also stored in the database. Both the offer price and AVM value are going to be stored in the database, this is disclosed by Foretich. One of ordinary skill in the art at the time the invention was made, taking into account the disclosure of Foretich, and taking into account the level of knowledge that one of ordinary skill in the art is in possession of, would have found it obvious to allow for searching based on <u>the difference</u> between the offer price and the valuation (AVM) that is stored in the database as this is just another mathematical way that one can compare the offer for sale to the AVM value, the comparison of which is already recognized in the prior art.

For claims 116 and 117, whether or not the price was above or below the AVM value is something that is determined by the individual properties themselves and would be something that would naturally result from price values and AVM values. The loan officer may realize that a given property is valued (AVM) less than the price (loan value) or it may be determined that the property is valued more than the price, which would indicate the loan possibly should be granted. The situation in claims 116 and 117 depend on the actual data for the properties and would necessarily flow from the prior art.

For claims 119,120, see paragraph 15 where it is disclosed that the databases are updated, and this includes the AVM values that are stored in the database. When market conditions change and when a new valuation is performed, this results in the updating of the AVM value, where the spatial information may be new sales data that represents the current condition of the real estate market as far as prices go. The

"additional data" in paragraph 15 that is used to make the AVM values more accurate

satisfies the spatial information.

9.   Claims 118 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Foretich et al. (20030191723) and further in view of Florance et al. (20040030616).

For claim 118, not disclosed is that a map with icons is rendered that provides

information on the identified properties as claimed. Florance discloses a real estate

system that provides users with real estate information in response to search queries

submitted by users. The query results are displayed to the user in the form of maps, as

is disclosed in paragraphs 347 and 348, and shown in figure 58. These paragraphs

disclose that the displayed maps allow for the display of the location of the property on a

map by the use of icons and other indicators. Paragraph 348 states that when the user

positions the computer mouse over an icon (that represents a property), *the system*

displays a pop-up window providing information on the associated property. It is also

disclosed that this feature allows the user to view the overall region in which the

property is location (a desirable feature), as well as the ability to zoom in and out on the

map of the property (another desirable feature). Florance teaches a very desirable

manner by which the results of a property search query may be displayed to the user,

namely the use of maps with icons as claimed. In Foretich, the results of the submitted

query are provided to the customer, it is just not disclosed that this is done by using a

map as applicant has claimed. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to use a map with pop up windows as is

disclosed by Florance, so that the results of the query can be presented in a more user

friendly format to the user, including the resulting AVM value. This is desirable because

it would allow for the viewing of the overall region where the property is located, it would

allow for the zooming in and out, as disclosed by Florance, as well as the convenient

use of pop-up windows for the display of property related information, such as the AVM.

10.   Claims 121,122,124-129,132, are rejected under 35 U.S.C. 103(a) as being

unpatentable over Foretich et al. (20030191723) in view of Frost (2005/0273346).

        For claims 121,126,127,128,132, Foretich discloses a system and method for

determining AVM values for properties, such as residential properties. Foretich

determines valuation values by using a computer program contained on a server, see

paragraph 26. Foretich discloses that customers use remote terminals 10,20 (or other

types of communication devices) to access the property valuation system via the

Internet 50. See paragraph 25 where this is disclosed. There are databases that

contain records on a plurality of residential properties (databases 60 and/or 70). See

paragraph 26 where the databases are disclosed. The databases store records relating

to residential properties. As an example, see Table 1 where various types of stored

property data are disclosed and in paragraph 44 this is referred to as a property record.

This property record data includes property identifiers, such as address, listing ID, or

even a tax record. Foretich discloses the storing of property identifiers that identify the

various properties stored in the databases. With respect to the AVM values being

stored in the database, applicant is referred to paragraphs 15 and 162 where this is

disclosed. Paragraph 15 discloses "*knowledge base databases created and maintained by the system of the present invention <u>may include valuation values</u> and comparable information previously calculated and used by they system of the present invention*". Paragraph 162 discloses "*Another aspect of the present invention which has been referred to herein is the fact that the system of the present invention, using either local or remote databases, can store various classes of information derived during the valuation process for use in later valuations or other processes. For example, as the system generates valuations, <u>it is preferable that these valuations and data used in connection with these valuations be stored for later use</u> if desired. <u>Actual valuation numbers may be stored</u> and may be employed as comparables for later valuations as appropriate as long as property information is either stored directly in the knowledge base database or can later be retrieved from other databases such as MLS and/or public record databases.*". Foretich discloses that the AVM values are stored in the databases. The step of performing a computer implemented search query to identify a plurality of properties and that requests AVM values for those properties is disclosed in paragraph 41. Paragraph 41 discloses that the query for the AVM values can be submitted "via a batch process". This inherently requires that there be a plurality of properties that are being queried for. This paragraph further discloses that this allows for the processing of multiple valuations as part of a single batch. This satisfies what is claimed. Also, with respect to "accessing" the AVM values, this is taught by Foretich because of the fact that previously calculated AVM values are stored in a database for further use as has already been addressed above. With respect to performing a DVS

search to determine DVS values on the <u>plurality of properties</u>, this is not explicitly

disclosed. With respect to how the claim defines a DVS value, it is stated that this is

based upon a comparison of the AVM value to the price for a property. This reads on

the "loan to value" ratio that is disclosed in paragraph 006. The examiner again notes

that paragraph 162 discusses the storing of AVM values in the databases. Disclosed is

that the valuations are stored *"for later use"* and *"for use in later valuations or other*

processes" and *"may be employed as comparables for later valuations as appropriate"*.

This paragraph teaches the desirability of storing the AVM value so that that AVM value

can be used in later processing. Paragraph 15 also discusses the use of AVM values in

further processing. The AVM value is a type of data that a person of ordinary skill in the

art is going to be concerned with. Anyone buying a house or giving out a financial loan

for a house, is concerned with the value of the house itself (valuation/AVM). That idea

is just common sense and is something that anyone who buys products of any kind

recognizes. As a purchaser of a given product, you take into consideration the sale

price for the product and decide if that price is acceptable for the "value" of the product

that you are to receive. In other words, a purchaser asks the question "is the product

worth the price?". The importance of the AVM value is also evidenced by paragraph 6,

where it is disclosed that *"Since <u>the loan to value ratio</u> is of great significance to lenders*

in making loan decisions as well as in determining applicable loan programs and

interest rates, it is almost always necessary for a property valuation to be undertaken in

connection with the lending process." One of ordinary skill in the art, such as a

mortgage broker, is interested in the comparison of the price for a given property to the

value of that property. In this case, the loan value for a mortgage lender is essentially

the "offer for sale" price, as this is the price the seller is willing to sell the property for.

The mortgage lender is making a comparison of the offer for sale (loan value) value to

the value of the property, which is determined by the valuation process that is

performed by server 90. While this comparison is disclosed as being a ratio, it does

teach the comparison of the two claimed types of data (offer and AVM). The prior art

and one of ordinary skill in the art already recognize the importance of comparing the

price to the valuation for real estate property. The loan to value ratio is a comparison of

the AVM value to a price, namely the loan value (price) which may be equal to the sale

price. Clearly, results are given to a user who has submitted a query for properties.

With respect to determining the DVS value for a plurality of properties, this would have

been obvious to one of ordinary skill in the art. Because the disclosure indicates that

the AVM query can be for multiple properties (batches), it then is obvious that when a

user, such as a loan officer, desires to calculate a loan to value ratio for a plurality of

properties, this could also be done via a batch process. This is beneficial in the sense

that the user who wants a loan to value ratio determined would not have to perform this

task individually for each and every property. It would have been obvious to one of

ordinary skill in the art at the time the invention was made to determine a DVS value for

the identified plurality of properties so that this would not have to be done one at a time.

It is considered obvious to one of ordinary skill in the art to also use a batch process to

determine loan to value ratios (reads on the claim definition for DVS values) so that a

loan officer could process multiple DVS values at one time. It then follows that the

results would be provided to the user in the form of some kind of list so the results could be reviewed. This satisfies the recitation that the list be ordered.

Also not disclosed in Foretich is that the query is generated by allowing a user to designate a region on a digital map as claimed, where the region designated by the user is used as query input. Frost is directed to a real estate information system that allows a user to submit a search query by selecting a portion of a map with a map selection tool 870. See paragraph 192 and 193 where this is discussed. This allows for a user to select a given region on the map and then the system will identify the properties that are in that region. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Foretich with the ability to take location information from the user by using a map with a box selection tool as is disclosed by Frost. This would then provide a convenient and user friendly way for the user to enter location information to identify either a specific property, or to identify a given region, such as a neighborhood or development when a person is submitting a plurality of queries (batch requests, see para 41 of Foretich). This would be especially desirable from a batch-processing standpoint.

For claims 122,129, see paragraph 15 where it is disclosed that the databases are updated, and this includes the AVM values that are stored in the database. When market conditions change and when a new valuation is performed, this results in the updating of the AVM value, where the spatial information may be new sales data that represents the current condition of the real estate market as far as prices go. The "additional data" in paragraph 15 that is used to make the AVM values more accurate

satisfies the spatial information and the spatial position information. Information is information and the added word of "positioning" is not taken as changing the fact that information is being accounted for during the updating of the AVM values.

For claim 124, applicant is now reciting that the DVS value is based on a difference between the price and the DVS. While Foretich discloses that this comparison is disclosed as being a ratio and not a difference, it does teach the comparison of the two claimed types of data (price and AVM). The prior art and one of ordinary skill in the art already recognize the importance of comparing the price to the valuation for real estate property. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foretich to allow for a search of the database based on a difference between a property's "offer for sale" price and the valuation value for that property, that is also stored in the database. Both the offer price and AVM value are going to be stored in the database, this is disclosed by Foretich. One of ordinary skill in the art at the time the invention was made, taking into account the disclosure of Foretich, and taking into account the level of knowledge that one of ordinary skill in the art is in possession of, would have found it obvious to allow for searching based on the difference between the offer price and the valuation (AVM) that is stored in the database as this is just another mathematical way that one can compare the offer for sale to the AVM value, the comparison of which is already recognized in the prior art.

For claim 125, whether or not the price was above or below the AVM value is something that is determined by the individual properties themselves and would be

something that would naturally result from price values and AVM values. The loan officer may realize that a given property is valued (AVM) less than the price (loan value) or it may be determined that the property is valued more than the price, which would indicate the loan possibly should be granted. The situation in claim 125depend on the actual data for the properties and would necessarily flow from the prior art.

11.   Claims 123,131, are rejected under 35 U.S.C. 103(a) as being unpatentable over Foretich et al. (20030191723)) in view of Frost (2005/0273346) and further in view of Florance et al. (20040030616).

For claims 123,131, not disclosed is that a map with icons is rendered that provides information on the identified properties as claimed. Florance discloses a real estate system that provides users with real estate information in response to search queries submitted by users. The query results are displayed to the user in the form of maps, as is disclosed in paragraphs 347 and 348, and shown in figure 58. These paragraphs disclose that the displayed maps allow for the display of the location of the property on a map by the use of icons and other indicators. Paragraph 348 states that when the user positions the computer mouse over an icon (that represents a property), *the system displays a pop-up window providing information on the associated property*. It is also disclosed that this feature allows the user to view the overall region in which the property is location (a desirable feature), as well as the ability to zoom in and out on the map of the property (another desirable feature). Florance teaches a very desirable manner by which the results of a property search query may be displayed to the user,

namely the use of maps with icons as claimed. In Foretich, the results of the submitted

query are provided to the customer, it is just not disclosed that this is done by using a

map as applicant has claimed. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to use a map with pop up windows as is

disclosed by Florance, so that the results of the query can be presented in a more user

friendly format to the user, including the resulting AVM value. This is desirable because

it would allow for the viewing of the overall region where the property is located, it would

allow for the zooming in and out, as disclosed by Florance, as well as the convenient

use of pop-up windows for the display of property related information, such as the AVM.

12.   Applicant's arguments filed 11/12/08 have been fully considered but they are not

persuasive.

        Applicant has argued that Foretich (or other references previously cited and

used) only discloses that single properties can be queried for and does not disclose a

plurality of properties can be searched for. This is incorrect and applicant is referred to

paragraph 41 of Foretich where it is disclosed that a batch process can be used to

process multiple valuations at one time. Foretich does not teach away from what is

claimed and even if Foretich did only disclose one property being searched at one time,

applicant has the burden of showing why searching for more than one property would

destroy Foretich and render it inoperative for its intended purpose. This has not been

done other than by general allegation. This argument is not persuasive because the art

teaches what has been argued.

Also, applicant has argued that the feature of using a map to define a region for the query is not taught in the art. This is ignoring the Frost reference that has been cited to applicant and that has been used to show that this feature is known in the art. The argument is not addressing the prior art as it has been set forth by the examiner. Frost teaches what is claimed.

13.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/
Primary Examiner, Art Unit 3689